IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 5227 of 2005

Between:

M/s. Tirumala Construction, 5-9-189, 2nd Floor, Lenaine Estate, Abids, Hyderabad.

..... PETITIONER

AND

The Deputy Commissioner of Income-Tax, Circle-4, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction one in the nature of mandamus declaring that the order dated 07-3-2005 passed by the Income-tax Appellate Tribunal in S.P.No.30/Hyd/05 in IT(SS)A No.1/Hyd/04 as bad in law and arbitrary and set aside the same, after holding that the petitioner is entitled to stay of collection of the disputed demand of Rs.15,77,282/- pending disposal of IT(SS)A No.1/Hyd/04 before the Hon'ble Income tax Appellate Tribunal and pass such other order or orders as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.V.KRISHNA KOUNDINYA

Counsel for the Respondent: MR.S.R.ASHOK

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The petitioner filed an appeal before the Income-Tax Appellate Tribunal to stay the recovery of tax for block period assessment and the said appeal was refused.

2. The grievance of the petitioner is that the authorities are trying to enforce the demand for Rs.15,77,282/-.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Having considered the facts of the case, the Writ Petition is disposed of with a direction that there shall be stay of enforcement of the demand on condition the petitioner depositing 50% of the demand tax. Out of the 50% of demand tax, the petitioner shall pay half amount within a period of two weeks from the date of receipt of a copy of this order and the balance half amount within three weeks thereof.

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G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 25.03.2005

ES

To

1 The Deputy Commissioner of Income-Tax, Circle-4, Hyderabad.

2 2 CD copies

3 1 CC to MR.KRISHNA KOUNDINYA